

**Bankruptcy Court  
Western District of Pennsylvania**

**Final Amendments to the Interim Local Rules, Forms and Court Procedures**

June 14, 2004

This notice concerns revisions to the Local Rules, Forms, and Court Procedure's manual. The new Local Rules and Forms for the Bankruptcy Court will be effective July 1, 2004. These final rules, forms, and procedures supercede the interim local rules, forms, and procedures previously adopted by the Bankruptcy Court.

The Interim Local Rules were revised January 23, 2004. The Interim Local Forms were revised December 23, 2003. Differences between the interim and final rules and forms are discussed in this notice.

A number of court procedures promulgated since the Court Procedures Manual was posted to the Court's Website on November 14, 2002 have been incorporated into the Court Procedures Manual. In addition, the Electronic Case Filing Procedures and the Interim Chapter 13 Procedures have been made part of the Court Procedures Manual.

**Local Rule Modifications**

The Local Rules effective July 1, 2004 include several amendments to the interim rules.

**Local Rules 1007-1 and 1017-1**

Local Rule 1007-1 B has been modified. The requirement that supplemental mailing matrixes can be filed only on disk has been deleted. At this time, the CM/ECF system allows only one upload of creditors into the system, but the system may be modified in the future to allow the addition of creditors electronically via CM/ECF. This rule was modified as follows:

B. The Mailing Matrix must be electronically filed when the petition is filed as a text file (with a .txt extension) one time only when the petition is filed. If schedules are amended to add a creditor, a supplemental Mailing Matrix containing only the names and addresses of the added creditors must be filed as a text file (with a .txt extension). ~~but only on disk.~~ (note: deleted text is lined through.)

Similarly, Local Rule 1017-1, Dismissal or Conversion, has been revised to take into account the possibility of allowing attorneys to add additional creditors electronically:

B. List of creditors: A disk in Mailing Matrix format as prescribed by the Clerk containing the names and addresses of nonscheduled prepetition and postpetition creditors shall be filed with the motion. *If the electronic filing system is configured to allow creditors to be added to the case by electronic filers more than one time, filers may add the nonscheduled prepetition and postpetition creditors to the mailing matrix for the case in compliance with the procedures*

*formulated by the Clerk.* (note: added text is in bold and italics.)

LR 1007 -4 E. has been modified to take into account that some § 341 meeting docket entries are “virtual”, and that they are not accompanied by a proceeding memo:

E. The trustee or other §341 presiding officer shall elicit from the debtor what principal cause or causes necessitated the bankruptcy filing and shall note that information on the Minutes of the Meeting, if minutes are filed with the clerk, and shall further indicate any information concerning the debtor's income which the trustee believes should be brought to the attention of the Court.

#### Local Rule 3015-2

Paragraph A of Rule 3015-2 has been amended, and paragraph B has been added to the rule. The text of the revised rule states:

#### Rule 3015-2 WAGE ORDERS IN CHAPTER 13 CASES

- A. The plan filed by a Chapter 13 debtor with attachable income shall be accompanied by a motion for a wage attachment(s) and order(s) in an amount(s) sufficient to cover plan payments. The motion and order shall substantially comply with Local Form No. 11 (the Ex Parte Motion for Order to Pay Trustee Pursuant to Wage Attachment and Order to Pay Trustee Pursuant to Wage Attachment). Instructions to complete these forms are also available in the Court Procedures Manual.
- B. The debtor shall serve a copy of the signed order granting the wage attachment on the entity or entities required to remit payment to the trustee. The order shall be accompanied by a notification of debtor's complete, nine digit social security number substantially conforming to Local Form No.12. Debtor shall file a certificate of service regarding service of the order and notification, but the social security number shall not be included on the certificate.

#### Local Rule 9013-5

The following paragraph has been added to Rule 9013-5:

- I. A movant who files a motion for relief from stay and selects a hearing date in accordance with a Judge's scheduling practice shall be deemed to have waived the thirty day period specified in 11 U.S.C. §362(e) when the hearing is scheduled for a date more than thirty days after the date the motion is filed. If a hearing date is not available within the thirty day period, a movant who would be harmed by a delay of the hearing beyond the thirty day period specified in 11 U.S.C. §362(e) shall file a motion for expedited hearing.

Rule 9013-5 C. has been modified to state:

C. If the moving party does not receive a response, then the moving party shall file with the Clerk a Certificate of No Objection substantially in compliance with Local Form No. 25. The certificate must be filed no later than five days after the objection deadline has expired. If the Court grants the relief by default, the hearing is canceled.

#### Local Rules 5011-1 B and 9004-1

Local Rules 5011-1 B and 9004-1 are being amended to change the term “docket number” to “document number.” The Case Management/Electronic Filing System (CM/ECF) refers to the number assigned to each docket entry as a “document number”.

#### Rule 5011-1 WITHDRAWAL OF THE REFERENCE

B. 1. When a motion for withdrawal of the reference is filed movant shall simultaneously file with the Clerk of the Bankruptcy Court and serve on the respondent(s) a designation of the items to be included in the record and the ~~docket~~ document numbers associated with each. (note: deleted text is lined through and added text is underlined.)

B. 2. Respondent(s) shall file a designation of additional items, if any, and the ~~docket~~ document numbers associated with each within five (5) calendar days of the filing the motion for withdrawal of the reference. (note: deleted text is lined through and added text is underlined.)

#### Rule 9004-1 CAPTIONS OF PLEADINGS AND ORDERS

The caption of any pleading, all responses and replies thereto, and any proposed order shall conform substantially to Official Bankruptcy Form 16D governing adversary captions except that the party seeking relief shall be designated as "Movant" and the party against whom relief is sought shall be designated as "Respondent". When there is no entity to be named as a respondent, the words "No Respondent(s)" shall be stated. In the caption of each motion and any response thereto the case number shall be entered as well as the chapter number. “~~Docket~~ Document No.” shall be stated instead of "Adversary Proceeding No." when the pleading is a motion in the main case. The caption for the motion shall substantially conform with Local Form No. 16. A certificate of service, proposed order, or any subsequent pleading to a motion, objection, or other request for relief shall include in the caption the hearing date and time, the objection date, and the ~~docket~~ document number of the document that it pertains to. (note: deleted text is lined through and added text is underlined.)

## **Local Form Modifications**

The local form numbers have been modified so that the numbers are listed in sequential order in the local rules.

References to “docket number” have been changed to “document number” in the case caption of the forms.

Local Form No. 6, Amendment Cover Sheet, has been modified. The following sentence has been added to the note at the end of the form: “Attorneys filing electronically on the Case Management/Electronic Case Filing System may add creditors to the case electronically.”

Local Form No. 7, Certificate of Service, has been modified.

Local Form No.11, Ex parte Motion for Order to Pay Trustee Pursuant to Wage Attachment and Order has been amended. The Order to Pay Trustee Pursuant to Wage Attachment has been revised to include the following requirement:

IT IS FURTHER ORDERED that the Debtors shall serve this order and a copy of the Notification of Debtor’s Social Security Number, Local Form No. 12, that includes the debtor’s full social security number on the above-named entity. Debtor shall file a certificate of service regarding service of the order and local form, but the social security number shall not be included on the certificate.

Local Form No. 12, Notification of Debtor’s Social Security Number, is a new local form. This form lists the full social security number of the debtor to assist the employer (or other party from whom the debtor receives income) in complying with the wage attachment order. The form submitted to the court as part of the certificate of service should not include the debtor’s social security number.

The instructions for Local Form No. 25 have been modified as follows: “ Insert Pleading Title and ~~Docket~~ Document Number.” (note: deleted text is lined through and added text is underlined.)

Please check the Court’s Website at <http://www.pawb.uscourts.gov> to view the local forms.

## **Modifications to Court Procedures Manual**

The Court Procedures have been assigned numbers for easier reference. A number of court procedures promulgated since the Court Procedures Manual was posted to the Court’s Website on November 14, 2002 have been incorporated into the Court Procedures Manual. The manual is now organized into three sections: General Court Procedures, Electronic Case Filing Procedures, and Chapter 13 Procedures. References to Chapter 13 procedures have been deleted from the General Court Procedures; all matters pertaining specifically to Chapter 13 cases have been included in the Chapter 13 Procedures.

## Chapter 13 Procedures

**The Chapter 13 Procedures have been substantially modified. It is recommended that attorneys review the entire set of procedures in the Court Procedures Manual.**

Chapter 13 Procedure #12, Continued Conciliation Conferences, is a new procedure. The procedure states:

If the Chapter 13 trustee determines during the initial conciliation conference that a continuance is necessary, the trustee shall announce to the parties in attendance the time, date, and location of the rescheduled Chapter 13 conciliation conference.

The case docket shall reflect the time, date, and location of any rescheduled Chapter 13 conciliation conference date that is continued by the Chapter 13 trustee during the conference. Generally, parties must review the case docket to determine if an entry has been made rescheduling the conciliation conference. Attorneys filing electronically in a case shall receive in electronic form a Notice of Electronic Filing from the Clerk that includes the docket entry reflecting the continued time, date and location of the conciliation conference.

This procedure will apply only to plan conciliation conferences continued at the 341 meeting. In the event that parties wish to file objections to the plan, the deadline date will appear in the docket entry.

## General Court Procedures

General Court Procedure # 9, Dismissal for Failure to Submit Local Form No. 1, is a new procedure. The procedure states:

A bankruptcy case shall be dismissed pursuant to Local Rule 1017-2, Dismissal of Bankruptcy Case for Deficient Filing, if Local Form No. 1, the Declaration of Electronic Filing, is not submitted within 15 days of the date the petition is filed. At any time before the date set for entry of an order of dismissal, the debtor (1) may file a motion requesting a hearing at which debtor shall show cause why the case should not be dismissed for failure to file Local Form No. 1 or (2) may file a motion and proposed order seeking an extension of time.

## Electronic Case Filing Procedures

Electronic Case Filing Procedure # 5 has been modified to include the following paragraph:

Attachments shall be filed as separate PDF files. Attachments shall include the case name and number and a brief description of the main document to which it relates at the top of the first page of the attachment. If the first page of the attachment does not have enough space available to include the case name and number and a brief description of the main document, then a cover sheet listing that information must be filed as the front page of the attachment.

Electronic Case Filing Procedure # 14, CM/ECF Accounts for a Limited Purpose, is a new procedure. Parties may receive a login and password for the limited purpose of filing proofs of claim, notice requests, withdrawal of claims transfers of claims, and/or objections to transfer of claim on CM/ECF.